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KNOBBE MARTENS OLSON & BEAR
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH CA 92660-8016

LM02/1027

EXAMINER
HUA, L

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

	Application No.	Applicant(s)
Office Action Summary	08/962,834	Cui ET AL.
	Examiner	Group Art Unit
	Cy HUA	2785

—*The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address*—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _three_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) _1 - 61_ is/are pending in the application.

   Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) _1 - 61_ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

   ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

   ☐ received.

   ☐ received in Application No. (Series Code/Serial Number) _____

   ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

   *Certified copies not received: _____

Attachment(s)

☑ Information Disclosure Statement(s), PTO-1449, Paper No(s). _2, 6, 7, 8 and 9_   ☐ Interview Summary, PTO-413

☑ Notice of Reference(s) Cited, PTO-892   ☐ Notice of Informal Patent Application, PTO-152

☑ Notice of Draftsperson's Patent Drawing Review, PTO-948   ☐ Other _____

Office Action Summary

1.   Claims 1-11, and 40-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

    a.   In claim 1:

        i.   It appears that the system interface lacks a reception of the failure information.

            (1)   Notice that the system log is to receive failure information communicated from the system interface, but the system interface does not have any failure information for making the communication possible.

    b.   In claim 40:

        i.   At lines 4-5 of page 41, the phrase "the server system" lacks antecedent basis.It appears that the reporting step is not related to the other steps.

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3.   Claims 1, 3, 20, 40 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Ote et al (5,815,652 hereinafter Ote).

a.   <u>As per claims 1, 3:</u>

    i.   Ote teaches a system [i.e., Figures 1A and 1B] which is:

        (1)   for reporting a failure condition in a server system [i.e., element 10]

        ; and

        (2)   comprising:

            (a)   a controller [i.e., element 121] which

                (i)   monitors [by using element 12111] the server

                      system for system failures, and

                (ii)   generates [by using element 12112], if a system

                      failure is detected, an event signal and failure

                      information;

            (b)   a system interface [i.e., the combination of elements 17,

                161, 181, 124, 123 and 122], coupled to the controller,

                which receives the event signal;

            (c)   a central processing unit [i.e., element 27], coupled [via

                elements 261, 25 and 262] to the system interface,

                (i)   wherein the central processing unit is reported with

                      an occurrence of an event by the system interface

                      [see Col. 7, lines 28-47]; and

            (d)   a system log [i.e., elements 12113, 21 and 15] which:

        (i)   receives failure information ~~communicated from the system interface~~

            and

        (ii)   stores said failure information.

b.   <u>As per claim 20</u>:

    i.   Ote teaches a failure reporting system [Figs. 1A and 1B] in a server system, comprising:

        (1)   means [12111] for detecting a system failure condition;

        (2)   means [12112] for transmitting failure information related to the failure condition to a system recorder [12113];

        (3)   means [15] for storing the failure information; and

        (4)   means [261, 25 and 262] for reporting an occurrence of an event to a central processing unit [27] of the server system.

c.   <u>As per claim 40, 44</u>:

    i.   Ote teaches instructions [i.e., agent 17] that when executed by a computer perform a method,

    ii.   wherein the method comprises:

        (1)   detecting a system failure condition --- [see col. 4, lines 62-63];

        (2)   transmitting failure information related to the failure condition to a system recorder --- [see col. 7, lines 54-57];

        (3)   storing the failure information in a system log --- [col. 7, line 33]; and

    (4)   reporting an occurrence of an event to a central processing unit of

the server system —[col. 7, line 34].

4.   Claims 34 is rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura

(5,708,775).

    a.   <u>As per claim 34</u>:

        i.   Nakamura teaches a system [Fig. 2] for reporting a failure condition in a

server system [13], comprising:

        (1)   means [24] for detecting the failure condition;

        (2)   means [25] for generating and transmitting failure information

related to the failure condition to a system recorder;

        (3)   means [105] for assigning a time value to the failure information;

        (4)   means [107] for storing the failure information and its time value

into a system log;

        (5)   means [27] for reporting an occurrence of an event to a remote

computer [12] coupled to the server system via a remote interface ,

wherein the remote computer is connected to the remote interface

via a modem connection;

        (6)   means [i.e., the combination of elements 22 and 23] for accessing

the system log; and

(7)   means for reading the failure information, [which accessing means

        is inherent in order to perform the reading of fault information from

        the log file (col. 9, lines 15-16)]

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness
rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 12, 14, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ote (5,815,652) and Makamura (5,708,775).

    a..   <u>As per claims 12 and 14:</u>

        i.   Ote teaches a failure reporting system [Figs. 1A and 1B] which is:

            (1)   for a server system [i.e., element 10],

            (2)   comprising:

                (a)   a controller [i.e., element 121] which

                    (i)   monitors [by using element 12111] the server

                            system for system failures and

                    (ii)   generates [by using element 12112] an event signal

                            and failure information if a system failure is

                            detected;

(b)   a system recorder [i.e., elements 12113] , coupled to the

controller, which receives failure information and ~~assigns a time~~

~~value to the failure information~~;

(c)   a system log [i.e., elements 21 and 15] which stores failure

information received from the system recorder; and

(d)   a system interface [i.e., the combination of elements 17,

161, 181, 124, 123 and 122], coupled to the controller,

(i)   which [according to Fig. 12] receives and stores the

event signal, and reports an occurrence of an event

to a central processing unit,

1)   which central processing unit is coupled [via

elements 261, 25 and 262] to the system

interface,

2)   wherein the central processing unit executes:

I   a software program [i.e., the

combination of elements 29, 242]

which allows a system operator to

access the system log to read failure

information stored therein.

ii.   However, Ote does not explicitly teach that his system recorder assigns a

time value to his failure information.

    iii.   Nakamura teaches [see Fig. 6, step 105; and Fig. 4] assigns a time value to the failure information.

    iv.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

        (1)   add a feature for assigning a time value (such as that of Nakamura) into the system recorder of Ote.

    v.   The skilled person would have been motivated to do this adding because:

        (1)   Nakamura teaches that the time value helps tell the time of occurrence of fault.

b.   <u>As per claim 19:</u>

    i.   Ote teaches [Figs. 1A and 1B] a failure reporting system for a server system, comprising:

        (a)   a controller [121] which

            (i)   monitors [by using element 12111] the server system for system failures and

            (ii)   generates [by using element 12112] an event signal and failure information if a system failure is detected;

        (b)   a system recorder [i.e., elements 12113], coupled to the controller, which receives the failure information and ~~assigns a~~

~~date and time to the failure information;~~

(c)   a system log [i.e., elements 21 and 15] which stores the

failure information;

(d)   a system interface [i.e., the combination of elements 17,

161, 181, 124, 123 and 122], coupled to the controller,

which receives and stores the event signal and reports an

occurrence of an event to a central processing unit, coupled

to the system interface, wherein the central processing unit

executes a software program which allows a system

operator to access the system log to read failure information

stored therein;

(e)   a remote interface [i.e., the combination of elements 17,

161, 201, 141, and 181], coupled to the controller, which

receives the event signal and reports the occurrence of an

event to a computer [23 or 27] external to the server

system; and

(f)   a switch [i.e., the combination of elements 122,. 123 and

124],

(i)   coupled to the remote interface,

(ii)   which switches connectivity

1)   to the remote interface between a first

computer [23] and a second computer [27],

        I   wherein the first computer is a local computer, coupled to the switch via a local communications line [22], and the second computer is a remote computer, coupled to the switch via a modem connection [261, 25 and 262].

  ii.   However, Ote does not explicitly teach that his system recorder assigns a time value to his failure information.

  iii.   Nakamura teaches [see Fig. 6, step 105; and Fig. 4] assigns a time value to the failure information.

  iv.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

      (1)   add a feature for assigning a time value (such as that of Nakamura) into the system recorder of Ote.

  v.   The skilled person would have been motivated to do this adding because:

      (1)   Nakamura teaches that the time value helps tell the time of occurrence of faults.

c.   As per claim 29:

  i.   Ote teaches a system

      (1)   for reporting a failure condition in a server system,

(2)   comprising:

    (a)   means [12111] for detecting the failure condition;

    (b)   means [12112] for generating and transmitting failure information related to the failure condition to a system recorder [12113];

    (c)   means [21] for storing the failure information into a system log [15];

    (d)   means [i.e., the combination of elements 17, 161, 201, 141 and 22] for reporting an occurrence of an event to a local computer [23] coupled to the server system via a remote interface [i.e., the combination of elements 22, 141 and 142];

    (e)   an inherent means for accessing the system log; and

    (f)   an inherent means for reading the failure information.

ii.   However, Ote does not explicitly teach that his system recorder assigns a time value to his failure information.

iii.   Nakamura teaches [see Fig. 6, step 105; and Fig. 4] assigns a time value to the failure information.

iv.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

    (1)   add a feature for assigning a time value (such as that of Nakamura) into the system recorder of Ote.

v.   The skilled person would have been motivated to do this adding because:

    (1)   Nakamura teaches that the time value helps tell the time of occurrence of faults.

7.   Each of the following claims are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ote and Nakamura as applied to their parent claims as applied to those parent claims above

and further in view of common knownledge in the art..

    a.   <u>As per claims 2 and 13</u>:

        i.   Official notice is hereby taken that using a nonvolatile random access

            memory for logging information is well known in the art.

        ii.   It would have been obvious to a person having ordinary skill in the art at

            the time the invention was made to substitute Ote's dynamic storage device

            15 with a well known non-volatile RAM.

        iii.   The skilled person would have been motivated to do this substitution

            because using a well known non-volatile RAM is more time efficient than

            using a dynamic store device.

    b.   <u>As per claim 4</u>

        i.   Ote teaches a system recorder,

            (1)   coupled between the controller and the system log,

            (2)   for

                (a)   receiving the failure information from the controller,

                (b)   ~~assigning a time value to the failure information~~, and

                (c)   subsequently storing the failure information ~~with the time value~~ into

                    the system log.

(3)   However, Ote does not explicitly teach that his system recorder assigns a time value to his failure information.

(4)   Nakamura teaches [see Fig. 6, step 105; and Fig. 4] assigns a time value to the failure information.

(5)   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a feature for assigning a time value (such as that of Nakamura) into the system recorder of Ote.

(6)   The skilled person would have been motivated to do this adding because Nakamura teaches that the time value helps tell the time of occurrence of faults.

c.   <u>As per claim 5:</u>

     i.   Ote teaches that his central processing unit executes a software program which allows a system operator to access the system log to read the failure information.

d.   <u>As per claim 9:</u>

     i.   Ote teaches that his computer stores and executes a software program which allows a user of the computer to access the system log to read the failure information.

e.   <u>As per claim 6:</u>

          i.   Ote teaches that his system comprises a monitor coupled to his central processing unit for displaying a message to the system operator

f.   As per claims 7 and 15:

          i.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

             (1)   include a remote interface, coupled to the controller (such as that of _____), for receiving the event signal and reporting an occurrence of an event to a computer external to the server system.

g.   As per claims 8, 16, 26 and 28:

          i.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use:

             (1)   a bit vector, having a plurality of bits, which receives the event signal and stores a value corresponding to the event signal, wherein the event signal changes the value f at least one bit of the bit vector.

h.   As per claims 10, 17, 11 and 18:

          i.   Using a switch, which is coupled to the remote interface, for switching connectivity to the remote interface between a first computer and a second computer is well known in the art.

ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use such a switch in the claimed invention rejected above.

i.   As per claims 21, 32, 41, 22, 42, 23, 43, 54, 61 and 24:

i.   The feasture recited in these claims are well known in the art.

j.   As per claims 33, 39, 53 and 60:

i.   The means for and the act of notifying the local operator comprises means for displaying a message on a monitor coupled to the montoring computer is well known in the art.

k.   As per claims 37 and 58:

i.   The system of Claim 36 further comprising:

(1)   means for and its function of verifying that the remote computer is authorized to access the serversystem via the remote interface is well known in the art; and

(2)   means for and its function of verifying that a communication link has been established between the remote computer and the remote interface is well known in the art

l.   As per claims 38, 52 and 59:

i.   The means for and its function of notifying a remote operator, who is using the remote computer, of the system failure is well knwon in the art.

m.   <u>As per claims 46 and 48:</u>

    i.   The feasture recited in these claims are well known in the art.

n.   <u>As per claims 49 and 55:</u>

    i.   The features recited in these claims are well known in the art.

    ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use interfacing means to allow remote communication.

o.   <u>As per claims 25, 27, 30, 35, 36, 45, 47, 50 and 56:</u>

    i.   Each of the limitation in these claims is well known in the art.

    ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use those limitations in the above rejected claims.

p.   <u>As per claim31, 51 and 57</u>

    i.   Each of the limitation recited in these claims are well known in the art.

    ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use those limitation in the above rejected claims.

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9.   **Any response to this action should be mailed to:**

    Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703)305-9724 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

10.   The Examiner, hereby, requests that the Applicant would please provide (in additional with a normal response in hard copy) the Examiner an electronic **copy** of Applicant's response to this Office Action by E-mail it to the Examiner's E-mail address Ly.Hua@USPTO.GOV.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ly Hua whose telephone number is (703) 305-9684. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert W. Beausoliel, Jr., can be reached on (703) 305-9713. The fax phone number for this Group is (703) 305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LY V. HUA
PATENT EXAMINER
ART UNIT 2785

L. Hua
September 25, 1999